

UNITED STATES DISTRICT COURT

Eastern District of Arkansas

UNITED STATES OF AMERICA

V.

ANTHONY CLARKS

Case Number: 4:08-CR-00215-01-BRW

USM Number: 25149-009

Date of Original Judgment: September 3, 2009
(Or Date of Last Amended Judgment)

Chris Tarver
 Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment of 52 months **is reduced to 34 months.**

I. COURT DETERMINATION OF GUIDELINE RANGE

Previous Offense Level(Before Departure/Variance/Rule 35):	22	Amended Offense Level:	18
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	51 to 63 months	Amended Guideline Range:	33 to 41 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (specify) _____.

III. FURTHER EXPLANATION (e.g., recommendations to the Bureau of Prisons) (if necessary)

The Order is effective immediately on November 1, 2011, if Congress does not override the United Sentencing Commission's determination that the new guidelines are retroactive. If Congress determines that the amendments are not retroactive, this Order will be void and vacated.

Except as provided above, all provisions of the judgment dated September 3, 2009 will remain in effect.

IT IS SO ORDERED.

Order Date: October 27, 2011

/s/ Billy Roy Wilson
 United States District Judge

Effective Date (if delayed): November 1, 2011